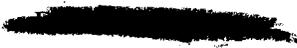




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 2904-02  
8 October 2002



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 October 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you underwent a pre-enlistment physical examination on 8 April 1998. You specifically denied a history of asthma, but disclosed a history of a broken arm in 1981, chicken pox at age 10, and a benign tumor at age 12. You enlisted in the Navy on 11 August 1998. On 4 September 1998, you disclosed your history of asthma. On 8 September 1998, you reported that you had used a Ventolin inhaler for asthma from age 2 to 12, with a last use in 1987. You complained of shortness of breath, wheezing, chest tightness, and pleuritic pain with exercise. In addition, you indicated that you participated in high school sports with the aid of an inhaler. Although the results of spirometry and methacholine challenge testing were within normal limits, you were found to have clinical evidence of asthma. You were discharged on 22 September 1998 by reason of your failure to meet procurement medical/fitness standards, and assigned a reenlistment code of RE-4.

The Board rejected your contention to the effect that you did not make timely disclosure of your history of asthma because you felt that it was of no relevance when you underwent your pre-enlistment physical examination, given the remoteness of the history of the condition. In

this regard, it noted that you disclosed a number of conditions with remote histories; however, none of them was disqualifying for military service, as asthma is. As you have not demonstrated that your reenlistment code is erroneous or unjust, the Board was unable to recommend any corrective action in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director